

REMARKS

Amendment to the Claims

Present claims 93 and 94 are amended to clarify the claimed subject matter. Claim 93 is amended to replace the term “diagnosing” with the term “determining.” Claim 94 is amended to replace the term “present” with the term “expressed.” Claims 113-119 are newly added. Support for new claims 113-117 is found in the specification at, e.g., page 23, lines 25-28, and page 27, lines 5-11. No new matter is added by the amendment.

Telephonic Interview with the Examiner

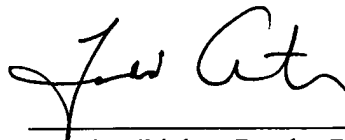
Applicants wish to thank the Examiner for the telephonic interview of November 29, 2007. During the interview, Applicants’ representative discussed the present amendment to claim 94, which clarifies that the method of analyzing or determining the toxicity of a test compound involves the use of a nucleic acid library that includes marker nucleic acid molecules that are specific for all or a portion of one or more differentially spliced human genes that are expressed in a human cell which is undergoing or has undergone apoptosis. Applicants believe that the present amendment distinguishes the method of claims 94-105 and 108-112 over Schena et al. (PNAS 93:10614-10619, 1996; hereinafter “Schena”) and Komarova et al. (Oncogene 17:1089-1096, 1998; hereinafter “Komarova”) because these publications only describe the detection of differential gene expression (i.e., whether a gene is expressed or not); neither describes detecting the expression of differentially spliced gene products, as is required by the method of present claims 94-105 and 108-112. Thus, Applicants believe that present claims 94-105 and 108-117 are now in condition for allowance.

CONCLUSION

Applicants submit that the claims are novel and inventive over the prior art and respectfully request favorable reconsideration of the present application. In particular, it is believed that present claims 79-105 and 108-117 are in condition for allowance, and a notification to that effect is respectfully requested.

If there are any additional charges or any credits, please apply them to Deposit Account No. 03-2095.

Respectfully submitted,



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